

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

**STIPULATION BETWEEN DEFENDANT CARDINAL HEALTH
AND PLAINTIFFS CABELL COUNTY & CITY OF HUNTINGTON**

Comes now Defendant Cardinal Health, Inc. (Cardinal Health), and Plaintiffs Cabell County Commission (County) and City of Huntington (City) (collectively, CT2 Plaintiffs), having met and conferred regarding certain discovery and evidentiary issues the resolution of which required coordination with the MDL PEC and leadership from the WV MLP (19-C-9000). Counsel for the County represents that he has authority to bind the MDL PEC and speak on behalf of the WV MLP. Based on mutual promises and conditions, Cardinal Health and the CT2 Plaintiffs enter into the following stipulation:

1. The CT2 Plaintiffs will not call George Barrett or Linden Barber to testify in the CT2 trial. Cardinal Health retains the right to call Mr. Barrett or Mr. Barber in the defense case in the CT2 trial.

2. The WV MLP Plaintiffs will not seek to depose George Barrett or call him to testify at a future trial in that matter. Cardinal Health retains the right to call Mr. Barrett in the defense case in a future WV MLP trial.

3. The CT2 Plaintiffs will not take any further fact depositions of Cardinal Health witnesses in connection with CT2. The CT2 Plaintiffs will withdraw their Rule 30(b)(6) notice to Cardinal Health and inform the Court the motion to enforce that notice is moot as to Cardinal Health.

4. Cardinal Health agrees to bring Todd Cameron and Michael Mone to the CT2 trial to testify live, in person, during Plaintiffs' case-in-chief, if requested. Proper and sufficient notice will be given. The parties agree to continue monitoring the relevant COVID-19 health directives and will address safety issues as they evolve. If the COVID-19 health situation makes live testimony impractical because of health circumstances, Cardinal Health and CT2 Plaintiffs will confer about the same and other mechanisms for live testimony, including livestream. This agreement in no way limits CT2 Plaintiff's right to subpoena other Cardinal Health witnesses to appear at trial.

5. The CT2 Plaintiffs, the MDL PEC, and the WV MLP Plaintiffs will not seek to depose or re-depose Todd Cameron or Michael Mone until after the resolution of CT2.

6. Cardinal Health and the CT2 Plaintiffs will begin a process for reviewing the authenticity and foundation for Cardinal Health-produced documents that Plaintiffs identify between now and trial. The Plaintiffs have expressed a desire to, as much as possible, negate the

need for Plaintiffs to bring multiple Cardinal Health witnesses to trial for the sole purpose of authenticating and establishing the proper foundation for use of the identified documents at trial. The parties will work in good faith to address specific issues relating to authenticity and foundation between now and trial. Plaintiffs will be provided an opportunity to cure all unresolved issues relating to authenticity and foundation, including the ability to depose and/or call a custodial witness at trial. Cardinal Health reserves its right to object to the admissibility of all such documents, including Federal Rules of Evidence 401, 402, 403, and hearsay. The same agreement shall apply to the WV MLP.

Dated: August 5, 2020

Respectfully submitted,

Cardinal Health, Inc.

By Counsel:

/s/ Steven R. Ruby

Steven R. Ruby (WVSB #10752)

Raymond S. Franks II (WVSB #6523)

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/s/ Paul T. Farrell, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2020, the foregoing *Stipulation Between Defendant Cardinal Health and Plaintiffs Cabell County & City of Huntington* was filed using the Court's CM/ECF system, which will serve notification of such filing on all counsel of record.

/s/ Raymond S. Franks II
Raymond S. Franks II (WVSB #6523)